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UBER TECHNOLOGIES, INC.
14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,
19 Plaintiff,
20 v.
21 UBER TECHNOLOGIES, INC.,
22 OTTOMOTTO LLC; OTTO TRUCKING LLC,
23 Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF WENDY J. RAY
IN SUPPORT OF DEFENDANTS
UBER TECHNOLOGIES, INC. AND
OTTOMOTTO LLC'S OPPOSITION
TO WAYMO'S MOTION TO
COMPEL UBER TO PRODUCE
1) TRAVIS KALANICK'S TEXT
MESSAGES AND PHONE AND
2) DOCUMENTS RESPONSIVE TO
WAYMO'S REQUEST FOR
PRODUCTION NO. 256**

Trial Date: October 10, 2017

1 I, Wendy J. Ray, declare as follows:

2 1. I am a partner with the law firm of Morrison & Foerster LLP, counsel of record for
3 Defendants Uber Technologies, Inc. and Ottomotto LLC (collectively “Uber”) in this action. I
4 am a member in good standing of the Bar of the State of California. I make this declaration in
5 support of Uber’s Opposition to Waymo’s Motion to Compel Uber to Produce 1) Travis
6 Kalanick’s Text Messages and Phone and 2) Documents Responsive To Waymo’s Request for
7 Production No. 256. I make this declaration based on personal knowledge and, if called as a
8 witness, I could and would testify competently to the matters set forth herein.

9 2. On May 19, 2017, Mr. Kalanick provided his phone to Stroz Friedberg, which
10 performed a standard extraction of text messages.

11 3. Uber searched the results for all texts with Anthony Levandowski and provided the
12 results to Waymo for inspection on June 6, 2017.

13 4. When reviewing the text messages, Uber noticed that there were no sent
14 messages.

15 5. On June 5, 2017, Uber’s counsel, Esther Chang, alerted Waymo’s counsel to the
16 absence of sent messages and stated that Uber would follow up.

17 6. During a meet and confer call regarding the text messages shortly after the
18 inspection, I noted that Mr. Kalanick was on leave due to his mother’s recent death and his
19 father’s hospitalization and that Uber would not be able to obtain access to Mr. Kalanick’s
20 personal phone until his return.

21 7. Shortly after Mr. Kalanick resigned, I requested of Mr. Kalanick’s personal
22 counsel at Orrick, Melinda Haag, that Uber be able to further investigate the phone. Because the
23 phone is Mr. Kalanick’s personal device with private information, Orrick handled the forensic
24 investigation.

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1 I declare under the penalty of perjury that the foregoing is true and correct. Executed this
2 10th day of August, 2017 at Los Angeles, California.

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4 /s/ Wendy J. Ray
WENDY J. RAY
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ATTESTATION OF E-FILED SIGNATURE

I, Arturo J. González, am the ECF User whose ID and password are being used to file this Declaration. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Wendy J. Ray has concurred in this filing.

Dated: August 10, 2017

/s/ Arturo J. González
Arturo J. González